IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 10119 of 2005

Between:

1. Bhavana Udaya Bhaskara Rao,

S/o. Rama Chandra Rao,

R/o. Mudunuru, Pentapadu Mandal,

West Godavari district.

2. Bhavana Narasimha Murthy,

S/o. Rama Chandra Rao,
R/o. Mudunuru, Pentapadu Mandal,

West Godavari District.

3. Bhavana Gopala Krishna,

S/o. Rama Chandra Rao,
r/o. Mudunuru, Pentapadu Mandal,

West Godavari District.

..... PETITIONERS

AND

Tadepalligudem Municipality,

rep. by its Commissioner,

Tadepalligudem, W.G.district.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction especially one in the nature of writ of Mandamus declaring the action of the respondent in putting the marks on the wall and land of our premises (Petrol Bunk) and taking steps to demolish the same in S.No.38/2, situated in Tallamudunurupadu, Tadepallgudem Municipality, West Godavari without following the procedure laid down in Municipality Act or any other Act, is arbitrary and vioaltive of principles of natural justice and also violative of provisions of Municipality Act.

Counsel for the Petitioners: MR.S.SUBBA REDDY

Counsel for the Respondent: MR.S.NAGESWARA REDDY

The Court made the following:

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ORDER:

Heard the learned counsel for the petitioners and learned Standing Counsel appearing for the respondent.

2. The writ petition is filed seeking to declare the action of the respondent in putting the marks on the wall and land in the premises (petrol bunk) in S.No.38/2, situated in Tallamudunurupadu, Tadepalligudem Municipality, West Godavari and taking steps to demolish the same as arbitrary and illegal.

3. The petitioner apprehends that the marking on the walls is only for the purpose of

demolition and that the respondent-municipality will demolish the premises in question without following due process of law. However, the learned Standing Counsel appearing for municipality states that the respondent-municipality will not resort to demolition without following the due procedure as prescribed under the statute.

4. Accordingly, the writ petition is disposed of with a direction to the respondent-municipality not to demolish the structures in question either for the purpose of road widening or any other public purpose without following the procedure as contemplated under the provisions of the A.P. Municipalities Act, 1965.

5. The writ petition is, accordingly, disposed of. No costs.

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G.ROHINI, J.

Date: 27th April 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner,Tadepalligudem Municipality,

Tadepalligudem, West Godavari district.

2. Two CD copies

3. 1 CC to MR.SUBBA REDDY

*Form-NIC-OGS/WP{**JGK**}*